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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,067

09/26/2006

Fredrik Andersson

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8878

136 7590 04/28/2009

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EXAMINER

MILLER, SAMANTHA A

ART UNIT

PAPER NUMBER

3749

MAIL DATE

DELIVERY MODE

04/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,067	<b>Applicant(s)</b> ANDERSSON, FREDRIK	
	<b>Examiner</b> SAMANTHA A. MILLER	<b>Art Unit</b> 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/5/2007</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3-5 recites the limitation "the pocket, the pipe socket, the bag" for the first and second elements. There is insufficient antecedent basis for this limitation in the claim since it is not known if the limitations are referring to the first or second element.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 rejected under 35 U.S.C. 102(b) as being anticipated by OBZEKI (5,639,367).

1. The neck (top) of the bag (30B) has an edge part (connecting to 34) flanged against the outside thereof, which edge part is stabilized by a resiliently elastic element (col.3 l.56-col.4 l.6) of substantially circular pipe shape, that the edge part is received in a correspondingly shaped tubular pocket (Fig.7 at 34), which is arranged on the inside of the pipe socket (34) at the outlet end thereof and which is open in the upstream direction (Fig.7).

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2 The pipe socket comprises a pipe element, which at one end thereof is provided with the pocket and which with the second end thereof is connected to an outlet end of the supply air pipe (36).

3. That an additional, second pipe socket (external frame of 21, Fig.6) is provided and is generally concentrically connected to the first mentioned, first pipe socket (top of frame to 34, Fig.6), that the pipe socket at the outlet end thereof on the inside thereof has a ring shaped pocket of a diameter deviating from the pocket of the first pipe socket and that is open in the upstream direction and receives an edge part of a bag (30A) fitting thereto (at M on frame of 21) and being flanged against the outside of the neck thereof, the flanged edge part of the bag belonging to the second pipe socket being stabilized by a resiliently elastic, substantially circular tubular element, which is received in the pocket (between the frame and 34) of the second pipe socket.

4. The second pipe socket (frame of 21) has greater diameter than the first pipe socket (34) and is in the form of a pipe section that at the upstream end thereof carries sealing members (M) and is closely connected via the sealing members to the first pipe socket around the circumference thereof (Fig.7), the second pipe socket at the downstream end thereof having the pocket (between the frame and 34) for the flanged end part of the appurtenant bag (30A) thereof.

5, An second pipe socket (frame of 21) is provided and is generally concentrically connected to the first mentioned, first pipe socket (34), that the pipe socket (frame of 21) at the outlet end thereof on the inside thereof has a ring-shaped pocket of a diameter deviating from the pocket of the first pipe socket and that is open in the

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upstream direction and receives an edge part of a bag (30A) fitting thereto and being flanged against the outside of the neck thereof (Fig.7), the flanged edge part of the bag belonging to the second pipe socket being stabilized by a resiliently elastic (col.3 l.56- col.4 l.6), substantially circular tubular element (edge of frame of 21), which is received in the pocket of the second pipe socket (Fig.7).

### ***Double Patenting***

Claims 1-5 of this application conflict with claims 1-2 of Application No. 10/594066. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272-9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Samantha Miller  
Examiner  
Art Unit 3749  
4/27/2009

/Steven B. McAllister/

Supervisory Patent Examiner, Art Unit 3749